

International Mobile Satellite Organization

ASSEMBLY

Eighteenth Session

25 to 29 September 2006

Agenda item 4

ASSEMBLY/18/4.1

Origin: Director

Date: 9 June 2006

PROPOSED AMENDMENT TO THE IMSO CONVENTION

Executive Summary: this document sets out a proposed amendment to the Convention submitted by the Parties of Belgium, Cyprus, Denmark, France, Finland, Greece, Italy, the Netherlands, Malta, Poland, Portugal, Spain, Sweden and the United Kingdom

Action to be taken: 1. to consider and adopt, in accordance with Article 18 of the Convention, the proposed amendment to the IMSO Convention; and
2. to consider and decide on rapid implementation of the amendment.

Related documents: ASSEMBLY/18/6, ASSEMBLY/18/9.1

1 BACKGROUND

1.1 On 17 March 2006, amendments to the Convention were proposed by the Parties of Belgium, Cyprus, Denmark, France, Finland, Greece, Italy, the Netherlands, Malta, Poland, Portugal, Spain, Sweden and the United Kingdom, in accordance with Article 18 of the Convention, and were sent to all Parties on 22 March 2006, in the English, French, Russian and Spanish languages, together with Explanatory Notes thereon (**Annex I** refers).

2 ACTION REQUIRED

2.1 The Assembly considers, and decides to adopt, in accordance with Article 18 of the Convention, the proposed amendment to the IMSO Convention (**Annex II**).

2.2 The Assembly considers and decide on rapid implementation of the amendment.

LONG RANGE IDENTIFICATION AND TRACKING OF SHIPS (LRIT)**PROPOSED AMENDMENT TO THE CONVENTION ON THE INTERNATIONAL MOBILE
SATELLITE ORGANIZATION (IMSO)**

**SUBMITTED BY THE CO-SPONSORING PARTIES OF BELGIUM, CYPRUS,
DENMARK, ESTONIA, FRANCE, FINLAND, GREECE, ITALY, THE NETHERLANDS,
MALTA, POLAND, PORTUGAL, SPAIN, SWEDEN AND THE UNITED KINGDOM**

Background

- 1 At its 78th Session in May 2004, the IMO MSC instructed COMSAR *“to develop and propose a robust intergovernmental oversight scheme for the approved LRIT providers.”* At its 80th Session, the IMO MSC *“requested IMSO to advise the IMO whether IMSO would be willing and able to undertake the oversight of the LRIT system on behalf of IMO.”*
- 2 At its 13th Session, the IMSO Advisory Committee *considered the request from the IMO MSC and noted that a number of issues should be further considered regarding the oversight of IMSO in the developing LRIT*
- 3 The IMSO Advisory Committee agreed that:
 - (a) *whether IMSO should carry out the oversight of the LRIT system is a policy matter which goes beyond the current Convention; however, in the light of developments within IMO, it could be appropriate that IMSO carries out this function. It would therefore be necessary to seek amendment to the Convention to enable the Organisation to carry out this function;*
 - (b) *any amendment to Convention to enable the Organisation to carry out the oversight of LRIT must follow the procedure in Article 18 and should be proposed by a Party six months before an Assembly Session, and that the matter could be discussed at the next regular session of the Assembly in the last quarter of 2006, provided an appropriate proposal is made in time; and*
 - (c) *IMSO would be willing to carry out the LRIT oversight function but it would not be possible to indicate that IMSO is able to carry out such oversight until IMO has agreed what the oversight functions would be.*

- 4 The IMSO Advisory Committee therefore recommended that the IMSO Assembly decide to respond to IMO that IMSO would be willing to undertake the oversight of the LRIT system within the legal framework established by IMO, but that IMSO was not in a position to state that it was able to undertake oversight of the LRIT system until the operational requirements had been sufficiently developed by IMO.
- 5 The co-sponsoring Parties submitted document MSC/ISWG/LRIT/1/3/2 to the IMO Intersessional Working Group proposing that LRIT oversight functions should be undertaken by IMSO on behalf of IMO.
- 6 In the light of the above, it is now clear that IMO will wish to devolve on to IMSO further aspects of the LRIT satellite communications role. The IMSO Convention do not specifically provide for the possibility of IMSO assuming other oversight functions such as are envisaged in relation to LRIT.
- 7 Under the prevailing circumstances, the co-sponsoring Parties consider that an amendment to the IMSO convention is necessary in order to allow IMSO to oversight LRIT. In addition, such amendment should also suffice if other issues arise in the future which the Assembly of Parties or Parties themselves or other intergovernmental organisations may wish to address, taking always into account that the IMSO Assembly of Parties will always have the right to decide on the issue/issues in question.

Proposal:

In accordance with article 18 of the IMSO Convention, the co-sponsoring Parties of Belgium, Cyprus, Denmark, Estonia, France, Finland, Greece, Italy, the Netherlands, Malta, Poland, Portugal, Spain, Sweden and the United Kingdom propose the following amendment to the Convention on the International Mobile Satellite Organization and request the Director of the Organization to distribute the proposal for adoption at the 18th Session of the Assembly of Parties.

NEW ARTICLE 3 (BIS)

The Organization may assume any other functions or duties [related to mobile satellite services], subject to the decision of the Assembly.

**TEXT OF THE PROPOSED AMENDMENT IN THE
ENGLISH, FRENCH, RUSSIAN AND SPANISH LANGUAGES**

ENGLISH

Proposed New Article 3 (bis)

Other Functions

The Organization may assume any other functions or duties [related to mobile satellite services], subject to the decision of the Assembly.

FRENCH

Proposition de nouvel article 3 bis

Autres fonctions

L'Organisation peut être chargée de toute autre fonction ou tâche [relative aux services mobiles par satellite], sous réserve de la décision de l'Assemblée.

RUSSIAN

Предложенная новая статья 3(bis) на русском языке

Другие функции

С учетом решения Ассамблеи Организация может взять на себя любые другие функции или обязанности [, относящиеся к подвижным спутниковым службам].

SPANISH

Nuevo Artículo 3 propuesto (bis)

Otras funciones

Con sujeción a la decisión de la Asamblea, la Organización podrá asumir cualesquier otras funciones o responsabilidades [en relación a servicios móviles por satélite].